



**ORIGINAL**  
Federal Communications Commission  
Washington, D.C. 20554

SEP 1 9 1998

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*96-198*

EX PARTE OR LATE FILED

IN REPLY REFER TO:  
9805806  
9805810

The Honorable Ray LaHood  
U. S. House of Representatives  
329 Cannon House Office Building  
Washington, D.C. 20515

**RECEIVED**

SEP 14 1998

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Dear Congressman LaHood:

This is in response to your letter on behalf of your constituents Robert E. Griffith and Theodore G. Huber, regarding the Commission's implementation of Section 255 of the Communications Act (Section 255), added by the Telecommunications Act of 1996. Section 255 requires that telecommunications equipment manufacturers and service providers must ensure that their equipment and services are accessible to persons with disabilities, to the extent that it is readily achievable to do so. In adopting Section 255, Congress gave the Commission two specific responsibilities, to exercise exclusive jurisdiction with respect to any complaint filed under Section 255, and to coordinate with the Architectural and Transportation Barriers Compliance Board (Access Board) in developing guidelines for the accessibility of telecommunications equipment and customer premises equipment.

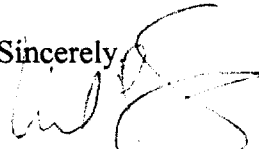
The Commission adopted a Notice of Inquiry in September 1996, initiating WT Docket 96-198 and seeking public comment on a range of general issues central to the Commission's implementation of Section 255. The Commission also adopted a Notice of Proposed Rule Making (NPRM) in April 1998, which sought public comment on a proposed framework for that implementation. The NPRM examined the Commission's legal authority to establish rules implementing Section 255, including the relationship between the Commission's authority under Section 255 and the guidelines established by the Access Board in February 1998. The NPRM further solicited comment on the interpretation of specific statutory terms that are used in Section 255, including certain aspects of the term "readily achievable," and the scope of the term "telecommunications services." In addition, the NPRM sought comment on proposals to implement and enforce the requirement that telecommunications equipment and services be made accessible to the extent readily achievable. The centerpiece of these proposals was a "fast-track" process designed to resolve many accessibility problems informally, providing consumers with quick solutions.

It is important to note that the Commission has not issued a final decision regarding any of the proposals suggested in the NPRM. The record in this proceeding closed on

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August 14, 1998, and the Commission staff is currently reviewing public comments. Since the passage of Section 255, the Commission has worked closely with the Access Board and with various commenters to design an implementation framework that best reflects the intent of Congress in adopting Section 255. The comments of your constituents will be included as informal comments in the record of WT Docket 96-198, and carefully considered, along with the many other comments, before final action is taken on this critically important matter. I appreciate your constituents' input as a way of establishing as thorough and representative a record as possible on which to base final rules implementing Section 255.

Sincerely,

A handwritten signature in dark ink, appearing to read "D. Phythyon", written over the word "Sincerely,".

Daniel B. Phythyon  
Chief, Wireless Telecommunications Bureau

COMMITTEE ON  
AGRICULTURE  
COMMITTEE ON  
VETERANS' AFFAIRS



COMMITTEE ON  
TRANSPORTATION AND  
INFRASTRUCTURE

CONGRESSMAN RAY LAHOOD  
18TH DISTRICT, ILLINOIS

July 13, 1998


*CCB  
Handicap  
TELE Act 96  
5810*

Chairman William E. Kennard  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, DC 20554

Dear Chairman Kennard:

Enclosed are copies of several constituent letters I have recently received which address Section 255 of the 1996 Telecommunications Act. Please review their concerns about the accessibility of telecommunications products to persons with disabilities. Your review and comments are greatly appreciated.

Sincerely,

  
Ray LaHood  
Member of Congress

RHL/jw  
Enclosures

cc: Mr. Robert E. Griffith, M.A.; Mr. Theodore G. Huber

RESPOND TO:

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(217) 245-1431  
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*note*

JUN 26 1998

1708 Linden Street  
South Jacksonville, Illinois 62650-2210  
June 25, 1998

Representative Ray LaHood  
United States House of Representative  
236 West State Street  
Jacksonville, Illinois 62650

*(see proposed rulemaking)*  
JUN 30 1998

Re: FCC Proceeding 96-198: Section 255 of the 1996  
Telecommunications Act ~~ACCESS~~ to Telecommunications  
Services, Equipment, & Customer Premise Equipment

Dear Honorable LaHood:

Please contact the Chairman of the FCC, William E. Kennard, about the following concerns regarding the above document due to my experience living with a hearing impairment:

- 1) Please urge FCC to adopt the Access Board guidelines for BOTH manufacturers and service providers. Precise wording must be written so industry will understand their ACCESS responsibilities and obligations in their design of new telecommunication equipment. I can't use my cellular phone with my telephone switch in my hearing aid. The sales people don't understand and the industry's responsibilities and obligations seem to be missing. The cellular phone is INACCESSIBLE.
- 2) When Congress wrote the Telecommunications Act, it adopted the term "readily achievable" from the Americans with Disabilities Act. FCC wants to use "cost recovery". The cost recovery concept will UNDERMINE the concept of accessibility in our society. Again, telecoils were not mandated for cellular telephones and they don't work with telecoils for hearing aid users like me.
- 3) There is an uncomfortable feeling about the "complaint process". I do support the proposal not to require filing fees directed at manufacturers or service providers. Please support the waiving of such fees for formal complaints against common carriers. Also it seems that FCC could automatically deny my day in court. I support the right of an individual to file complaints.
- 4) The proposed rules omit "enhanced services" from coverage under Section 255. These services are INACCESSIBLE to me, i.e. automated voice response systems and voice mail. I find it difficult to complete critical calls that are part of these services. Please address this as a critical access issue under Section 255 and if you leave this out, such services severely limits my educational and employment opportunities and would interfere with my full participation in today's society.

Thank you for allowing me the opportunity to express my accessibility concerns as a citizen with a hearing loss.

Sincerely,

*Theodore G. Huber*

Theodore G. Huber, Consumer with a hearing loss

6/25/98

To: office staff -

Many, many thanks for answering  
the TTY call where I needed the  
correct spelling for Senator Hollings.  
Thanks again  
Jeh

COMMITTEE ON  
AGRICULTURE  
COMMITTEE ON  
VETERANS' AFFAIRS



COMMITTEE ON  
TRANSPORTATION AND  
INFRASTRUCTURE

CONGRESSMAN RAY LAHOOD  
18TH DISTRICT, ILLINOIS

July 13, 1998

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Chairman William E. Kennard  
Federal Communications Commission  
1919 M Street, N.W.  
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Sincerely,

*[Signature]*  
Ray LaHood  
Member of Congress

RHL/jw  
Enclosures

cc: Mr. Robert E. Griffith, M.A.; Mr. Theodore G. Huber

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# SHHH

Self Help for Hard of Hearing People

CENTRAL ILLINOIS CHAPTER

June 23, 1998

JUN 30 1998

The Honorable Ray LaHood  
329 Cannon House Office Building  
Washington, D.C. 20515

Re: Section 255 of  
Telecommunication Act of 1996

Dear Representative LaHood:

It has been brought to my attention the FCC is planning to undermine the Congressional intent to make telecommunications equipment and services accessible to people with disabilities.

On behalf of citizens who have hearing losses, we represent the largest disability group in the country, please address the following issues with the FCC:

1. We need for the FCC to adopt the Access Board guidelines which were published in February of 1998. For FCC to change these guidelines would be detrimental to those of us with hearing losses, and reflects an attitude of askance relative to Congressional intent. It is especially important for manufacturers to make their equipment accessible. It is very frustrating to hear with a telecommunication device, but not be able to discriminate because of the absence of a volume control.

2. The cost or recovery concept simply does not apply and should not be allowed to apply to devices of accessibility. For example, many of us do not use cellular phones, although we can use amplified phones. Just a simple 20 db gain in volume would make the cellular phone more accessible and give us equal access in telecommunication. If cellular phones have a telecoil, then those of us who have a telephone switch on our hearing aids can get increase in volume. It would be more accessible if cellular phones, themselves, could be amplified.

2902 Carriace Lane, Springfield, IL 62707

3. It is good the regulations established a complaint process which does not involve filing fees. Companies should have at least 10 days or longer, but not exceeding 30 days, to respond to a formal complaint. Consumers should always have the recourse of using the court system if such procedure is warranted and FCC should not have jurisdiction over court issues.
4. Computer voice is the trend of the future, but can be very frustrating to a hard of hearing person. We need the ability to verify what we are told, and it seems a greater percent of government and private organizations are implementing voice mail and automatic voice response systems. Further, many of these systems are not accessible for a tty user, and the relay system established under the ADA, often the relay operator cannot work through the system using the tty.

Thanks to technology, a greater percent of the hearing impaired population is able to use the phone as part of our vocation. For the FCC not to include "enhanced services" is part of Section 255, and with the increase of automatic voice systems, this would have a negative impact on vocational opportunities and advancements for our population. What is needed in the voice response systems is an "automatic out" which would enable contact with a live person for verification, etc.

We are most appreciative of the progress and the legislation Congress has passed which has improved accessibility in the area of telecommunications. For Congress to allow the FCC to change Section 255 from the original guidelines approved by the access board, should not be allowed and the constituents have a significant impact on our accessibility to telecommunication.

Please do what you can to keep telecommunication accessible to our population and contact Mr. William E. Kennard, Chairman of the Federal Communications Commission, on our behalf.

Sincerely,



Robert E. Griffith, M.A.  
President Central Illinois Chapter  
2902 Carriage Lane  
Springfield, IL 62707

Newport News  
Virginia, 23605  
Attention: Mr. Wayne Johnson Supervisor

Or you may send a facsimile of all information requested if  
you like. to 1-757-896-4028. According to Bell Atlantic no  
correspondence has been received from ECONOPHONE to date.  
Your immediate attention to this matter is much appreciated.

Yours Truly



I. J. Jakobovits

cc: F C C  
D. F. ESQ.  
Bell Atlantic